

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GRACIELA SANCHEZ,

Plaintiff,

v.

No. 1:23-cv-1139 KG/KRS

MCHANALLY WILKINS, INC.,
SOURCE ENERGY SOLUTIONS, LLC,
BERKLEY REGIONAL INSURANCE COMPANY, and
ANGEL SALAZAR,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiff initiated this action in State Court on August 29, 2023, and Defendant Berkley Regional Insurance Company (“BRIC”) removed the case to this Court on December 21, 2023. (Doc. 1). Defendant BRIC has filed a Motion to Dismiss, and Defendant Source Energy Solutions, LLC has filed an Answer to Plaintiff’s Complaint. (Docs. 4, 13). The state court record includes a Certificates of Service for Defendant McAnally Wilkins, Inc., dated September 29, 2023, and for Defendant Angel Salazar dated September 21, 2023. (Docs. 1-5, 1-6). Neither Defendant McAnally Wilkins, Inc. nor Defendant Salazar have filed an answer or other responsive pleading. Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward.”). More than ninety days have passed since Plaintiff took any step to move this case forward as to Defendants McAnally Wilkins, Inc. or Angel Salazar.

Additionally, Federal Rule of Civil Procedure 7.1(a)(2) requires: “In an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must ... file a

disclosure statement. The statement must name—and identify the citizenship of—every individual or entity whose citizenship is attributed to that party or intervenor ... when the action is filed in or removed to federal court” Fed. R. Civ. P. 7.1(a)(2)(A).

IT IS THEREFORE ORDERED that **on or before April 15, 2024**, Plaintiff must provide the Court with a written explanation showing good cause why this case should not be dismissed as to Defendants McAnally Wilkins, Inc. and Angel Salazar for failure to prosecute.

IT IS FURTHER ORDERED that **no later than April 15, 2024** each party subject to Rule 7.1(a) shall file a disclosure statement pursuant to Rule 7.1(a)(2).



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE